

- In most courts, parents negotiate an agreement at court in the presence of an assistant attorney general or child support officer. If the OAG is aware of family violence, the OAG will keep you and the other parent separate during negotiations. You have the right to ask for a hearing before the judge if you do not agree to the proposed order or if you are not comfortable negotiating with the other parent.
- The court may determine child support (including retroactive support), paternity (legal fatherhood), medical support, conservatorship (custody) and visitation based on the law and child support guidelines. After a child support order is final, both parents must comply with the court order. If you have concerns about the terms of the order, it is important to bring them up before the order is final. Changing the order later may require you to hire an attorney.

REPORTING FAMILY VIOLENCE to the oag

Let the OAG know as soon as possible about safety concerns or family violence histories. The child support application asks questions about safety concerns. Answer these questions as completely as possible. Provide the OAG with documentation that shows risk, like a current protective order or police reports. However, it is not necessary to have a police report or a protective order to get a Family Violence Indicator on your case. After the OAG marks your case with the Family Violence Indicator, the OAG will ask you to fill out an Affidavit of Nondisclosure. This document provides the OAG with more detail about your safety concerns, so it is important to complete and return it in a timely manner.

IF YOU HAVE a protective order

You can apply for child support services at any time, whether or not your protective order addresses child support. Sometimes child support is addressed in a protective order if the person required to make the payment has an obligation to support the child. If you have a protective order, it is important to provide the OAG with a copy of the order.

PURSUING child support safely

Information for Survivors of Family Violence

Going through the child support
system can be overwhelming.

There are steps survivors of family
violence can take to pursue child
support safely.

The State of Texas provides child
support services through the Office
of the Attorney General’s Child
Support Division.

CHILD SUPPORT resources

As a survivor of family violence, seek assistance from an advocate at your local family violence center. Call the **National Domestic Violence Hotline at (800) 799-SAFE** to find out about local support and advocacy services.

Office of the Attorney General
Child Support Division
(800) 252-8014
(800) 572-2686 (TDD/TTY)
www.texasattorneygeneral.gov

Texas Council on Family Violence
Child Support Information
www.getchildsupportsafely.org

For safety planning and referrals:
National Domestic Violence Hotline
(800) 799-SAFE(7233)
www.ndvh.org

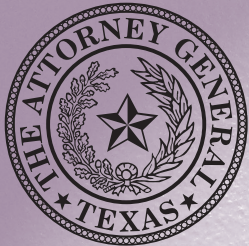
Family Violence Legal Helpline:
The Texas Advocacy Project
(800) 374-HOPE
www.texasadvocacyproject.org

For possible legal assistance:
Legal Aid
www.texaslawhelp.org

Texas Access and Visitation Hotline
(866) 292-4636
Hours: M-F, 1-7 p.m.
Assistance in both English and Spanish
www.TXAccess.org

PURSUING CHILD SUPPORT SAFELY

information for
survivors of
family violence



PURSUING
pursuing
CHILD SUPPORT
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IMPORTANT
things to know

1. **Safety is a priority.** Discuss safety concerns with all child support staff members with whom you come in contact to be sure they are aware of your situation. Tell the **Office of the Attorney General (OAG)** that you have safety concerns or that you have been a victim of family violence. At that time, OAG staff will place a **Family Violence Indicator** on your case. A Family Violence Indicator will provide some protections within the child support system. Information regarding family violence will remain confidential in the child support office, but it is important to know that if your case goes to court, you may be asked questions about family violence by the judge.
2. A case marked with a **Family Violence Indicator** will not be scheduled for a negotiation conference (Child Support Review Process or CSRP) with the other parent in the child support office, and the OAG will ask the court to keep your contact information confidential. If the court grants that request, your address will not be available to the other parent or appear in public documents. At court, the OAG will make efforts to keep you and the other parent as separate as possible, including during negotiations.
3. Be prepared to discuss **child support, medical support, custody and visitation** with child support staff on the hearing date. If you have safety concerns about any of these issues, be prepared to discuss your concerns, including any family violence that has occurred.

4. Do not feel pressured to agree to proposed custody or visitation provisions that are not safe or workable. You have the right to ask for a hearing before the judge.
5. Once an order is established, the OAG can only assist with enforcement and changes to the child and medical support provisions of the order. The OAG cannot enforce visitation and is typically unable to assist in modifying visitation provisions of your child support order. The toll-free Access and Visitation Hotline (866) 292-4636 is a resource on these matters.

OPENING
a case

- Apply for child support services online from the child support section of the OAG’s website at **www.texasattorneygeneral.gov**.
- To receive an application for child support services by mail, contact the OAG’s 24-hour toll-free number at (800) 252-8014 or go to www.texasattorneygeneral.gov.
- If you access the application online, do it from a safe computer such as a computer at the library or at a trusted friend’s house that your abuser cannot access.
- Cases are automatically opened when a parent receives certain types of public assistance, such as Temporary Assistance for Needy Families (TANF), unless the parent receiving benefits requests a **good cause waiver** due to family violence from the Health and Human Services Commission. A good cause waiver exempts a person eligible for TANF from cooperating with the OAG Child Support Division if doing so would place the person or their children at risk of physical or emotional harm. **For more information about obtaining a good cause waiver, speak with your TANF caseworker.**
- **If the other parent opens a case against you, it is important to immediately notify the OAG about your safety concerns, request an Affidavit of Nondisclosure and ask about placing a Family Violence Indicator on your case file.**

FAMILY VIOLENCE
indicator

What is it? The **Family Violence Indicator** is a flag in the computer system that informs child support staff of a family violence situation.

How do I get it? To receive the **Family Violence Indicator**, let the Child Support Division know that you have safety concerns and would like the Family Violence Indicator placed on your case.

You can report family violence at any time. Call the child support office and explain your situation.

What does it do? The **Family Violence Indicator** ensures your case will not be scheduled for a negotiation conference with the other parent in the child support office and prompts the OAG to ask the court that your contact information be kept confidential and not be printed on court documents available to the other parent. At court, the OAG will make efforts to keep you and the other parent as separate as possible, including during negotiations.

Tell OAG staff about your safety concerns every time you contact the child support office.

PREPARING
for court

As soon as you receive a notice to appear

- Talk to child support staff at the office handling your case about precautions to take at court to address your safety concerns. It also is important to let the child support office know if the other parent has made any specific threats about child support, custody, visitation or the court date.
- Ask how to minimize contact with the other parent. Ask about the possibility of a telephonic court appearance. Request to be placed “on call” to appear before the judge away from the other parent. Ask court staff to arrange for separate entrances and exits and different arrival and departure times for you and the other parent.

- Ask about security guards or bailiffs in court, especially in smaller towns where they may not always be present.
- If an OAG staff member is unable to assist you, ask to speak to the office ombudsman.
- Ask a family member, friend or advocate to attend the court hearing with you for support. However, depending on the court size and number of parents present for court, your guest may not be able to sit in the courtroom with you.
- If custody or visitation will be established as part of your court order, consider visitation options to which you might be willing to agree, e.g., neutral exchange locations, supervised visitation options.
- Gather any documentation of family violence you have, such as protective orders, police reports, medical records detailing abuse, threatening letters, text messages, phone call records, or any other documentation you feel is important for the court to see.

Day before court

- Call the child support office to ensure that court security and staff (bailiff, security and the assistant attorney general) will be informed about your family violence situation before the court date.
- Visit the courthouse in person or find it on a map before your court hearing. This makes it possible to find an escape route and locate safe parking or the nearest bus stop.
- Make arrangements for your children to avoid bringing them to court.
- Write down your main points or a statement you would like to make and bring it with you.

Day of court

- If custody or visitation will be established as part of your court order, bring a list of visitation options to which you might be willing to agree.
- Bring any documentation of family violence you have, such as protective orders, police reports, medical reports detailing abuse, threatening letters, texts, or phone call records.
- Introduce yourself to OAG representatives and make sure they know about the family violence situation. Point out the other parent in the courtroom.